

SENATE BILL 833

By Cooper

AN ACT to amend Tennessee Code Annotated, Title 38, Chapter 1, Part 2; Title 62, Chapter 44; Title 62, Chapter 9 and Title 68, Chapter 211, relative to copper.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-9-106, is amended by deleting the current language in its entirety and by substituting instead the following:

(a) All dealers in copper alloy, brass, aluminum and aluminum alloy scrap shall obtain from the seller of such scrap proper identification consisting of the seller's name, the seller's home or business address, the seller's driver license number, the license plate number of the vehicle in which the seller arrived at the place of business of the dealer, and the manufacturer and model name of such vehicle. The dealer shall also record the amount and type of metal that was purchased from the seller.

(b) All dealers shall keep such records for a period of three (3) years and such records shall be filed by date of purchase.

(c) Any dealer violating this section commits a Class C misdemeanor. A second or subsequent violation of this section is a Class B misdemeanor.

(d) The department of environment and conservation is authorized to and shall enforce the provisions of this section by performing routine, random audits of the records of dealers and shall report any suspicious purchases or sales of metal registered pursuant to this section to local law enforcement. Nothing in this subsection shall be construed to prevent local law enforcement from enforcing this section in any other manner consistent with law.

SECTION 2. Tennessee Code Annotated, Section 62-44-101, is amended by adding the following language to the end of the section:

For purposes of this chapter, "surplus or used building materials" includes copper.

SECTION 3. Tennessee Code Annotated, Section 62-44-102(a), is amended by deleting the current language in its entirety and by substituting instead the following:

(a) All dealers in used or surplus building materials shall obtain from the seller of such used or surplus building materials proper identification consisting of the seller's name, the seller's home or business address, the seller's driver license number, the license plate number of the vehicle in which the seller arrived at the place of business of the dealer, and the manufacturer and model name of such vehicle. The dealer shall also record the amount and type of metal that was purchased from the seller.

SECTION 4. Tennessee Code Annotated, Section 62-44-103, is amended by inserting the following as a new subsection (c) thereto:

(c) The department of environment and conservation is authorized to and shall enforce the provisions of this section by performing routine, random audits of the records of dealers and shall report any suspicious purchases or sales of metal registered pursuant to this section to local law enforcement. Nothing in this subsection shall be construed to prevent local law enforcement from enforcing this section in any other manner consistent with law.

SECTION 5. Tennessee Code Annotated, Section 62-44-105, is amended by deleting the current language in its entirety and by substituting instead the following:

A violation of this chapter is a Class C misdemeanor. A second or subsequent violation of this chapter is a Class B misdemeanor.

SECTION 6. Tennessee Code Annotated, Title 68, Chapter 211, Part 1, is amended by inserting the following as a new, appropriately designated section thereto:

Any person or entity in this state that accepts or purchases from the public any form of copper or copper alloy as scrap, refuse, recyclable waste, or surplus building

materials shall register with the department in such manner as shall be prescribed by the commissioner by rule for the purposes of enforcing title 62, chapter 9, part 1 and title 62, chapter 44, part 1.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.